

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WALTER COLUMBUS SIMMONS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:13CV567
	)	
LT. RANDY SHELTON, et al.,	)	
	)	
Defendant(s).	)	

**ORDER**

On July 26, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3 and 4.) On September 6, 2013, Plaintiff filed a document stating, in part, that "would like to appeal this case number - 1:13CV567." (Doc. 5.) Plaintiff does not specifically indicate the nature of the appeal he seeks. However, because a Recommendation has been entered, this court will construe the request to appeal as objections to the Recommendation. See Fed. R. Civ. P. 72(b)(2) ("Within 14 days after being served with a copy of the recommended disposition, a party may serve and file . . . objections.").

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the

Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Plaintiff's Complaint (Doc. 2) be, and is hereby, **DISMISSED** pursuant to 28 U.S.C. § 1915A for failing to state a claim upon which relief may be granted. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 22nd day of October, 2013.

*William L. Ostun, Jr.*  
\_\_\_\_\_  
United States District Judge